



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 05905-98

10 November 1999

MR [REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that your performance evaluation report for 16 November 1996 to 15 November 1997 be modified by raising the marks in blocks 33, 34, 35, 37, 38 and 39 and deleting the second and third bullets from the block 43 narrative.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 9 September 1999, a copy of which is attached, and your letter of 24 October 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material ~~error~~ or injustice. In this connection, the Board substantially concurred with the advisory opinion, except the recommendation to delete the second sentence of the first bullet in accordance with the letter-supplement. They noted that you did not request this. They consider the filing of the letter-supplement, which states this sentence should have been deleted, provides adequate correction, particularly in view of your having left the Navy. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

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Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
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MILLINGTON TN 38055-0000

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MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: EX-SK1 [REDACTED] USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification of his performance report for the period 16 November 1996 to 15 November 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's digitized record revealed the report in question to be on file. The member signed block 51 acknowledging his right to make a statement in accordance with regulations. The member's statement is on file. A further review of the member's record revealed a letter-supplement for the same period to be on file.

b. The member alleges that the report in question is unjust due to his past performance marks being excellent. He feels that there was no justification for lowering his performance marks.

c. The marks, comments, and recommendations are at the discretion of the reporting senior. The report represents the judgment and appraisal authority of the reporting senior for a specific period of time. It is not required to be consistent with previous or subsequent reports.

d. The member further alleges that he was not counseled about his declining performance during the period in question. The member signed block 32 indicating that only verbal counseling did occur. Counseling on performance is mandatory in accordance with reference (a), Annex C, and may be accomplished in different ways i.e., written, verbal, etc. Whether or not the member's weaknesses were discussed during counseling does not invalidate a performance report.

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f. The member does not prove the report to be unjust or in error.

3. We recommend modification of the report as indicated by the reporting senior in the letter-supplement, by removing the second sentence in block 43, "Most recent failure was intentional on an effort to be released from active duty early". We also recommend modification of the letter-supplement, deleting paragraph 2.a and changing paragraph 2.b. to paragraph 2.a.

Research Performance Evaluation Branch